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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/999,308	12/29/1997	NOBUTSUGU FUJINO	FUJO14691	3706
26304	7590	09/20/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN			ENG, GEORGE	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	

2643

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/999,308

Applicant(s)

FUJINO ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-28 and 50-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-28 and 50-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/22/2004 has been entered.

Response to Amendment

2. This office action is in response to the amendment filed 7/21/2004. Accordingly, claims 1-21 and 29-50 are canceled, and claims 22-28 and 50-58 are pending for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 22-28 and 50-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shachar et al. (US PAT. 5,764,736 hereinafter Shachar) in view of Dekelbaum et al. (US PAT. 5,838,682 hereinafter Dekelbaum) and Goldman et al. (US PAT. 4,995,074 hereinafter Goldman).

Regarding claim 1, Shachar discloses a terminal (100, figure 1) communicated with a server (124, figure 1) through a communication network (122, figure 1) comprises means for monitoring a content received data from the server, i.e., retrieve of information via current communication session (col. 13 lines 46-57), disconnecting a line being used for current communication session by placing an outgoing call to the alternate network address when a specified data, i.e., access information associated with an alternate network address, is received, (col.13 line 61 through col. 14 line 20), and automatically connecting the sever to the terminal when said terminal voice communications terminate (col. 14 lines 21-21-24), a data fetch unit for automatically fetching data from the server to the terminal (figure 4a and col. 13 lines 7-40), a storage unit for storing data fetch by said automatic data fetch unit (col. 13 lines 62-66), wherein a data communicating process is preformed from a status at a point immediately before starting the voice communication when said server and said terminal resume the data communication (figure 4c, col. 12 lines 34-57 and col. 14 lines 41-51). In addition, Shachar teaches the communication system is able to download information from the server during data

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communication in the storage unit and to access the storage unit in order to accomplish various tasks (col. 8 lines 51-67, col. 10 lines 33-49 and col. 11 lines 35-41). Shachar differs from the claimed invention in not specifically teaching the data fetch unit automatically fetching data of web sites including means for fetching data, which is not being accessed by the upper layer application, from the server and for storing the obtained data during the data communication, and means for passing storing data to the upper layer application during the voice communication with the third party. However, Dekelbaum teaches a push model server to download data from a server and for storing obtained data during data communications with the server, even in absence of a request from a client, so that the client is capable of viewing download data during voice communication with a sale representative, i.e., the third party (col. 15 lines 7-25), thereby one skill in the art would recognize Dekelbaum teaches means for fetching data, which is not being accessed by the upper layer application, from the server, and storing the obtained data during the communications with the server, and means for passing the stored data fetched by the automatic data fetch unit in order to make user friendly by supplying information to a designated client for viewing during voice communication with an agent. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shachar in having the push model server for fetching data, which is not being accessed by the upper layer application, from the server, for storing the obtained data during the data communication, and for passing storing data to the upper layer application during the voice communication with the third party, as per teaching of Dekelbaum et al. because it makes user friendly by supplying information to a designated client for viewing during voice communication with an agent. Note while neither Shachar nor Van Hoff specifically teaches the temporary line disconnected unit

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mediates the disconnection and reassignment of the communication line to the voice communication without issuing any disconnected notification to the upper layer application. However, Goldman teaches a system for preventing loss of a data when a communication line is temporarily switched for an optional use by not passing disconnected notification signal to an upper layer application in order to maintain data session at a host computer during a suspension period (col. 4 line 42 through col. 5 line 11). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Shachar and Dekelbaum in mediating the disconnection and reassignment of the communication line to the voice communication without issuing any disconnected notification to the upper layer application, as per teaching of Goldman, because it prevents loss of data when a communication line is temporarily switched for an optional use.

Regarding claim 23, Shachar teaches the terminal obtaining a telephone number of the third party as information during the data communications (col. 10 lines 54-60).

Regarding claims 24-26, Shachar teaches the server comprising a telephone switch unit and the temporary line disconnecting unit provided in the terminal and the server for disconnecting between the terminal and the server when the terminal issues a request for voice communication with the third party (col. 11 line 7 through col. 12 line 49).

Regarding claims 27-28, Shachar discloses at least one unit provided on a server side for each user who receives a service of said server for managing personal information and communications status of each user (col. 9 lines 4-17 and col. 12 lines 23-49).

Regarding claims 50, the limitations of the claim are rejected as the same reasons set forth in claim 22.

Regarding claim 51, the limitations of the claim are rejected as the same reasons set forth in claim 23.

Regarding claims 52-54, the limitations of the claims are rejected as the same reasons set forth in claims 24-26.

Regarding claim 55-56, the limitations of the claims are rejected as the same reasons set forth in claims 27-28.

Regarding claims 57-58, the limitations of the claims are rejected as the same reasons set forth in claim 22.

Response to Arguments

5. Applicant's arguments with respect to claims 22-28 and 50-58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perlman et al. (US PAT. 5,896,444) discloses a method for managing communication between a client and a server in a network by saving current communication session status to a memory of the client's terminal if an interruption in communication with the server is detected (col. 5 line 54 through col. 6 line 28). Klingman (US PAT. 5,729,594) discloses an on-line secure financial transaction system through electronic media (abstract).

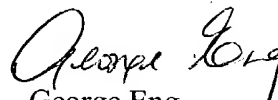
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


George Eng
Primary Examiner
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